

City of Raleigh

Massage Business License Application

PO Box 590 | Raleigh, North Carolina 27602
(919) 890-3200

INSTRUCTIONS *(Please read carefully)*

Please review the attached sections of the Raleigh City Code.

Contact the Zoning Division at 516-2626 to make sure that your business activity is permitted at your location.

Your application for a Massage Business License will be denied if you have not obtained your license within 90 days of your application. The Inspections Department may extend this deadline upon your request if you have made reasonable progress toward compliance.

Massage Therapy may only be performed by persons who have received a North Carolina Massage Therapy License and a City of Raleigh Massagist License.

Self-employed massage therapists must obtain a Massage Business License in addition to a Massagist License.

Home based Massage Businesses may be exempt from the required fire and building inspections if massage will not be performed in the home, and the public will not be allowed to enter the home in conjunction with the massage business.

The following criteria must be met before a license may be issued:

- The applicant must complete all of the attached forms.
- A list of all persons who are employed by the massage business to perform massage therapy. This list shall include City of Raleigh and State of North Carolina Massage License numbers
- The applicant must attach two (2) snap shots of him/herself. The Snap shots may be obtained through "City-County Bureau of Identification", located in the Wake County Public Safety Center at 330 S. Salisbury Street, Second Floor Suite C-295.
- The applicant must pay a \$125.00 **non-refundable** filing fee. A \$50.00 license fee will be due once the license has been approved
- After the receipt of your application, a copy will be sent to the Fire Department, Inspections Department and Police Department for their approval.
- The applicant for Massage Business License is responsible for scheduling the required inspections. Applicants may schedule inspections by calling:
Building Inspections (919) 516-2495
Fire Prevention (919) 831-6392
- If the premises fails a required inspection, it is the responsibility of the applicant to make the necessary corrections, and schedule the re-inspections. Remember that applicants have 90 days from filing the application date to successful completion of the inspections.
- **Upon written approval from the Fire, Inspections and Police Departments, Revenue Services will contact the applicant. A \$50.00 license fee will be required before a license can be issued.**

For questions concerning your application status, contact Revenue Services at 890-3200 or come to the Avery C. Upchurch Government Complex at 222 West Hargett Street, 1st floor, Revenue Services Lobby, weekdays from 8:30am to 5:15pm.



City of Raleigh
Application For Massage Business License

Revenue Services-03
PO Box 590 / Raleigh, North Carolina 27602
(919) 890-3200

For Office Use Only

Account # _____ License # _____ Date _____

Business Location Address _____

Name of Business _____

Business Mailing Address _____

City _____ State _____ Zip Code _____ Telephone (____) _____

Applicant's Full Name _____
First Middle Last

Applicant's Home Address _____

City _____ State _____ Zip Code _____ Telephone (____) _____

Name of Applicant _____
First Middle Last

Applicant's Residence Address _____

City _____ State _____ Zip Code _____ Telephone (____) _____

Business Structure: Corporation _____ Individual _____ Partnership _____ Other _____

Partner's Name _____
First Middle Last

Partner's Home Address _____

City _____ State _____ Zip Code _____ Telephone (____) _____

If applicant is other than an individual or partnership, the names and residence address, home phone numbers and other places of employment of all persons having any legal or beneficial interest in the applicant must be listed below. Attach an additional sheet if needed.

Have you or any of the persons named above ever been convicted of any felony or prostitution, or any violation of any law relative to prostitution?

Yes _____ No _____ If yes, list all names, convictions, dates and where convicted: Attach an additional sheet if needed

Have you or any of the persons named above ever been denied a license or had a license to operate a massage business or to engage in the profession of massage revoked by any governmental authority?

Yes _____ No _____ If yes, list all names, dates and places: Attach an additional sheet if needed.

Have you or have any of the persons named above ever been convicted for violation of any statute law, ordinance or regulation of any government concerning the operation of a massage business or profession of massage?

Yes _____ No _____ If yes, list all names, dates and places: Attach an additional sheet if needed.

Do you or any of the persons listed above own or operate any other establishment wherein the business or profession of massage is performed?

Yes _____ No _____ If yes, list all names, dates and places: Attach an additional sheet if needed.

Is there any other business operated on these same premises or on adjoining premises owned or controlled by applicant or any person listed above?

Yes _____ No _____ If yes, give a complete description of the other business:

Are persons not listed above employed or to be employed in the business named in the first question?

Yes _____ No _____ If yes, list the names, addresses, home telephone numbers and other places of employment of all such employees:

Certification of Inspection Exemption for Home Based Massage Businesses

I, _____ certify under oath that consistent with Zoning requirements, I have received approval to operate this business from my residence and that I will not perform massage within my home and will not allow the public to enter my home in connection with a massage business.

Signature _____ Date _____

I HEREBY AFFIRM THAT THIS APPLICATION AND STATEMENT HAS BEEN EXAMINED BY ME AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE AND COMPLETE AND IS MADE IN GOOD FAITH COVERING THE TAXABLE PERIOD STATED, PURSUANT TO THE CITY OF RALEIGH LICENSE TAX ORDINANCE, AND THAT THIS AFFIRMATION IS MADE UNDER THE PENALTIES PRESCRIBED BY LAW. I AFFIRM THAT I HAVE EXAMINED AND UNDERSTAND THE RALEIGH CITY CODE AS IT PERTAINS TO MASSAGE AND MASSAGE BUSINESSES.

I AUTHORIZE THE RALEIGH POLICE DEPARTMENT TO CONDUCT A BACKGROUND INVESTIGATION AS REQUIRED BY RALEIGH CITY CODE SECTION 12-2134 AND HEREBY AUTHORIZE THE RELEASE OF RECORDS THAT MAY BE REQUIRED TO COMPLETE THIS INVESTIGATION

Signature of Applicant _____

List of Employees Performing Massage

[illegible]

CITY OF RALEIGH
POLICE DEPARTMENT | DETECTIVE DIVISION
INVESTIGATION FORM
890-3555

Date of Application _____

Type of License(s) Applied For:

Massage Business ____ Massagist ____ Pawnbroker ____

Name of Applicant _____

First

Middle

Last

Name of Business _____

Business Address _____

City _____ State _____ Zip Code _____ Telephone (____) _____

When was business formed? _____

When was business licensed? _____

Who is the owner of the business? Who is the operator of the business if not the owner? _____

Applicant's Residence Address _____ City

_____ State _____ Zip Code _____ Telephone (____) _____

Number of years at residence _____

If high school graduate, what high school did applicant graduate from? _____

List all addresses lived at since high school (Street Address, City and State). (You may attach an additional sheet if needed).

Did the applicant attend college/university and if so where and when? List any degrees or special certifications. (You may attach an additional sheet if needed) _____

Date of Birth _____ Place of Birth _____

Age _____ Sex _____ Race _____ Social Security Number _____

List all employment information since high school (business name, address, telephone number, your position and supervisor's name). (You may attach an additional sheet if needed). _____

How many employees does the business have? _____

What are the operating hours of business? _____

How did the applicant become involved in this business? _____

How and when did the applicant become the owner of this business if applicable? _____

List any other partners and/or shareholders in the business. _____

List any other businesses that the applicant is associated with. _____

List five (5) character references including address and telephone numbers.

ARTICLE E. MESSAGES

Sec. 12-2131. MESSAGES; PURPOSE.

To protect public health, safety, welfare, and morals, and to the extent allowed under North Carolina law, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade, or profession of massagist and for the operation or carrying on of the businesses, trades, or professions commonly known as massage parlors, health salons, physical culture studios, or similar establishments by whatever name designated, wherein massage or other physical manipulation of the human body is carried on or practiced.

(Code 1959, §14-200)

Cross reference: Massage of private parts of another, §13-3006.

“Sec. 12-2132. EXEMPTIONS.

The following classes of *persons* are exempted from this article:

- (a) Trainers of any amateur, semiprofessional, or professional athlete or athletic team within the framework of athletic participation.
- (b) Massage practiced at any *State* accredited school, college, university, or seminary.
- (c) Massage practiced at any hospital, clinic, nursing home, convalescent home, or sanitarium established and licensed pursuant to the laws of this *State*.
- (d) Any *person* exempted from the requirement of a North Carolina massage and bodywork therapy license under G.S. §90-624.

Sec. 12-2133. DEFINITIONS.

Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

- (a) **Massage** means any activity defined in G.S. §90-622 as “massage” or “bodywork therapy.”
- (b) **Massage business** means any establishment or business wherein *massage* is practiced including establishments commonly known as health clubs, physical culture studios, and *massage* studios.
- (c) **Business or profession of massage** includes the *massage* or treatment of any *person* for a fee or in expectation of a gratuity from the *person* massaged,

and includes the “practice of massage and bodywork therapy” as defined in G.S. §90-622.

- (d) **Massagist** means any *person* engaged in the *business* or *profession of massage*.
- (e) Conviction means the result of a criminal trial or plea arrangement that ends in a judgment that the defendant is guilty as charged.

Sec. 12-2134. LICENSING OF MESSAGE BUSINESS OPERATORS.

- (a) No *person*, partnership, corporation, or association *shall* operate a *massage business* as herein defined unless such *person*, partnership, corporation, or association *shall* have first applied for and received the regulatory license provided by this section.
- (b) Every application for the regulatory license prescribed herein *shall* be upon a form approved by the City Manager, *shall* be accompanied by a nonrefundable application fee of one hundred twenty-five dollars (\$125.00) to offset the cost of the investigation required, and *shall* be filed with the Revenue Collector. Every such application *shall* be made under *oath* and *shall* contain the *following* information:
 - (1) If the applicant is a *person*, the name and *residence* address of such *person*. If the applicant is a partnership, corporation or association, the name, *residence* address, and social security number of all *persons* having any legal or beneficial interest in such applicant;
 - (2) The address of the premises where the *massage business* *shall* be located. Nothing in this subsection *shall* prevent a *massagist* employed by a licensed *massage business* from performing *massages* on behalf of that business at locations removed from the physical premises where the *massage business* is licensed;
 - (3) A complete statement of all convictions of any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) above, for any felony, for any offense involving the sale of narcotics or controlled substances, or for prostitution or any violation of any law relative to prostitution;
 - (4) A complete statement of any revocation, by any governmental unit, of any license to operate a *massage business* or to engage in the *business* or *profession of massage* held by any *person(s)*

whose name(s) is (are) required to be given in paragraph (b)(1) above;

- (5) A complete statement of any conviction of any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) above, for violation of any statute, law, ordinance, or regulation of any government concerning the operation of a *massage business* or the *business or profession of massage*;
 - (6) The name and address of any *massage business* or other establishment owned or operated by any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) or profession of *massage* is carried on;
 - (7) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant;
 - (8) A list of the names, addresses, North Carolina massage and bodywork therapy license numbers, and home telephone numbers, of all employees of the establishment. The list *shall* indicate which employees will perform massage.
- (c) The Revenue Collector *shall* transmit a copy of the application to the Police Department for an investigative report; to the Inspections division to determine compliance with all zoning and building regulations and ordinances; and to the Fire Department to determine compliance with any law relating to fire protection. The Police and Fire Departments and the Inspections Division *shall*, within a reasonable time, not to exceed thirty (30) days, report the results of their examinations to the Revenue Collector. An applicant who, consistent with zoning regulations, lawfully operates the *massage business* out of the applicant's home and who signs a statement under *oath* that the applicant will not perform *massage* within the home or allow the public to enter the home in connection with the *massage business* is not required to submit to a building or fire prevention inspection.
- (d) The application *shall* be approved if it is determined that:
- (1) The application contains no misstatement of fact;
 - (2) All *persons* employed as *massagists* or who will perform *massage* hold a valid license to practice massage and bodywork therapy issued by the State of North Carolina.
- (3) The *massage business* operator agrees to supervise adequately the activities of the *massagists* who work in the *massage business*.
 - (4) The applicant, or any *person* having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including but not limited to a violation of: G.S. 14-177 – 14-202.4 (offenses against public morality and decency); G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this Code; any Federal statute relating to prostitution; any crime involving the sale of narcotics or controlled substances, or any law or ordinance of any governmental unit concerning or related to the *business or profession of massage*;
 - (5) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes, unless the applicant is exempt from building and fire prevention inspections as set out above.
 - (6) The applicant or any *person* having a legal or beneficial ownership interest in the applicant has not, for the three-year period *preceding* the application, had a previously issued license for engaging in the *business or profession of massage* revoked; and
 - (7) The business, by reason of the manner or place in which it is to be conducted, will not constitute a nuisance or in any other manner amount to a menace to good order, the public health, safety or morals.
- (e) Upon approval of the application and upon receipt of a fifty-dollar license fee, the collector of revenue *shall* issue a regulatory license to applicant.
- Sec. 12-2135. REVOCATION OF MESSAGE BUSINESS OPERATOR'S LICENSE.
- (a) A license issued pursuant to §12-2134 *may* be revoked if any of the *following* is determined:
 - (1) That the licensee has violated any provision of this chapter;
 - (2) That the licensee, or any agent of the licensee, employs or permits to be on the premises of the applicant's *massage business* any *person* practicing the *business or profession of massage* who has not been licensed by the State of North Carolina or who has not been issued the regulatory license required by this article, or whose license under this article or

under North Carolina General Statutes has been revoked or is currently suspended;

- (3) That the licensee, or the legal or beneficial *owner* of any interest in the licensee, is convicted of any crime involving sexual misconduct, including but not limited to a violation of: G.S. 14-177 – 14-202.4 (offenses against public morality and decency); G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this code, a Federal prostitution statute; or any other governmental units' regulations of *massages*;
- (4) That any current employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including, but not limited to, a violation of G.S. 14-177 – 14-202.4 (offenses against public morality and decency); G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this Code; any Federal prostitution statute; or any governmental units' regulations of *massage*;
- (5) That the licensee violates any zoning, building, or fire prevention ordinance, or if exempted from building or fire prevention inspections, performs *massage* to a client or for a fee within the home or allows the public to enter the home in connection with the *massage business*;
- (6) That the licensed business is conducted or allowed to be conducted in a manner constituting a public nuisance; or
- (7) That the licensee has failed to supervise an employee and the employee has, in connection with the *massage business*, been convicted of a violation of G.S. 14-177 – 14-202.4 (offenses against public morality and decency), G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this Code, a Federal prostitution statute, or any other governmental units' regulations of *massages*.

(b) A license issued pursuant to this article is void if the licensee moves or ceases operating a *massage business* at the location required to be stated in the application for license pursuant to this article. A licensee *may* transfer the *massage business* license to a new location once in any calendar year upon payment of a fifty dollar (\$50.00) nonrefundable transfer fee and upon confirmation from the Inspections Division that the new location complies with all zoning and building regulations and ordinances, and from the Fire Department that the new location complies with all laws relating to fire prevention. A licensee who, consistent with zoning

regulations, lawfully operates the *massage business* out of the licensee's home and who signs a statement under *oath* that the licensee will not perform *massage* within the home or allow the public to enter the home in connection with the *massage business* is not required to submit to a building or fire prevention inspection.

Sec. 12-2136. LICENSING OF MASSAGISTS.

- (a) No *person shall* engage in the *business or profession of massage* unless such *person shall* have first applied for and received the regulatory license provided by this section.
- (b) The application for the license required by this section *shall* be upon a form approved by the City Manager and *shall* be filed with the Revenue Collector. Such application *shall* be given under *oath* and *shall* contain the *following* information:
 - (1) The name, age, social security number, and current business and *residence* addresses of the applicant;
 - (2) The applicant's North Carolina Massage license number; and
 - (3) A statement that the applicant is in good standing with the North Carolina Board of Massage and Bodywork Therapy.

The applicant *shall* submit a copy of the applicant's current North Carolina massage license with the application.

- (c) The application *shall* be approved if it is determined that the applicant possesses a current, valid license to practice *massage* and bodywork therapy issued by the State of North Carolina and has not been previously convicted of any violation of any provision of this Article or misstated any information submitted in the application. Upon approval of the application and upon receipt of a twenty-five dollar license fee, the collector of revenue *shall* issue a regulatory license to the applicant.

Sec. 12-2137. REVOCATION OF MASSAGIST'S LICENSE

A license issued pursuant to §12-2136 *may* be revoked if any of the *following* is first determined:

- (a) That the licensee has violated any provision of this chapter; or
- (b) That the licensee's North Carolina massage and bodywork therapy license has been suspended or

revoked, has expired, or for any reason is no longer valid or in effect.

Sec. 12-2138. EMPLOYER TO USE ONLY LICENSED EMPLOYEES.

It *shall* be unlawful for any *person*, corporation, partnership or association licensed under this chapter to allow or permit any *person* to *massage* or treat any *person* upon the premises operated by the licensee unless the *person* giving such *massage* or treatment has complied with all requirements of licensing under this chapter. Violation of this section *shall* also be grounds for revocation of the license issued pursuant to this chapter.

Sec. 12-2139. POSTING OF LICENSE.

- (a) It *shall* be unlawful for any *massagist* to fail to post the license required by this article in his or her work area.
- (b) It *shall* be unlawful for any *person*, corporation, partnership, or association licensed under this article not to display such license in a prominent place.
- (c) Violation of this section *shall* be grounds for revocation.

Sec. 12-2140. EMPLOYMENT OF MINORS.

It *shall* be unlawful for any *person*, corporation, partnership, or association licensed pursuant to this article to employ any *person* under the age of eighteen (18) *years* in the operation of a *massage business*. A violation of this section *shall* also be grounds for revocation of any license issued to such violator pursuant to this article.

Sec. 12-2141. HOURS OF OPERATION.

- (a) It *shall* be unlawful for any *person* licensed as a *massagist* to *massage* or treat any *person* between the hours of 11:30 p.m. and 5:00 a.m.
- (b) It *shall* be unlawful for any *person*, corporation, partnership, or association licensed under this article to admit customers or prospective customers, or remain open for business, or allow, permit, or condone any *massage* or treatment of any *person* upon the premises between the hours of 11:30 p.m. and 5:00 a.m.
- (c) A violation of this section *shall* be deemed sufficient grounds for revocation of a license.

Sec. 12-2142. APPEALS.

Anyone denied a license or anyone whose license is revoked pursuant to this article *may* file, within thirty (30) days of such final determination, an appeal to the City Council. All filings *shall* be dated and submitted to the City Clerk. The City Council *shall* consider the matter *de novo*, and if after a review of the applicable testimony, facts, and code provisions the City Council determines that proper grounds exist for the denial or revocation of the license, the appeal will not be allowed.

Sec. 12-2143. ANNUAL REGULATORY LICENSE.

The licenses required under this chapter are annual regulatory licenses. Such licenses *shall* be due and payable in the same manner as prescribed for other licenses issued by the *City* pursuant to this chapter.

Sec. 12-2144. PENALTIES.

Any *person* convicted of violating any provision of this chapter *shall* be punished by fine or imprisonment as provided by law for violation of municipal ordinances.

Sec. 12-2145 - - Sec. 12-2154. RESERVED."

Section 4. Sections 2-2017(c)(7) and 2-2017(c)(8) of the Raleigh City Code are hereby repealed.

Section 5. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. If this ordinance or application thereof to any person is held invalid, such invalidity *shall* not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance *shall* be enforced as provided in G.S. §160A-75 or as provided in the Raleigh City Code. All criminal sanctions *shall* be up to the maximum dollar amount allowed by the law.

Section 8. This ordinance *shall* become effective upon its adoption.